

E-FILED DECEMBER 29, 2006

Annette W. Jarvis, Utah Bar No. 1649
 RAY QUINNEY & NEBEKER P.C.
 36 South State Street, Suite 1400
 P.O. Box 45385
 Salt Lake City, Utah 84145-0385
 Telephone: (801) 532-1500
 Facsimile: (801) 532-7543
 Email: ajarvis@rqn.com

Lenard E. Schwartzter, Nevada Bar No. 0399
 Jeanette E. McPherson, Nevada Bar No. 5423
 SCHWARTZER & MCPHERSON LAW FIRM
 2850 South Jones Boulevard, Suite 1
 Las Vegas, Nevada 89146-5308
 Telephone: (702) 228-7590
 Facsimile: (702) 892-0122
 E-Mail: bkfilings@s-mlaw.com

Attorneys for Debtors and Debtors-in-Possession

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED FUND,
 LLC,
 Debtor.

Chapter 11

Jointly Administered Under
 Case No. BK-S-06-10725 LBR

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

**EX PARTE APPLICATION FOR ORDER
 APPROVING EXAMINATION OF THE
 PERSON MOST KNOWLEDGEABLE AT
 GREAT WHITE INVESTMENTS NV,
 INV. Y PURSUANT TO FED. R. BANKR.
 P. 2004**

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Pursuant to Fed. R. Bank. P. 2004, USA Commercial Mortgage Company and USA Capital Diversified Trust Deed Fund, LLC (collectively, the "Debtors"), by and through their counsel, hereby apply for an order directing the person most knowledgeable at Great White Investments NV, Inc. ("Great White"), to be examined under oath concerning (1) its claims

SCHWARTZER & MCPHERSON LAW FIRM
 2850 South Jones Boulevard, Suite 1
 Las Vegas, Nevada 89146-5308
 Tel: (702) 228-7590 • Fax: (702) 892-0122

1 against HMA Sales, USA Investment Partners, Joseph Milanowski, and Thomas Hantges; and (2)
2 the recipients of any and all distributions made by Great White in relation to the One Million
3 Dollar (\$1,000,000.00) payment it received from the proceeds of the Royal Hotel sale.

4 Fed. R. Bank. P. 2004(a) provides that “[o]n motion of any party in interest, the court may
5 order the examination of any entity.”

6 Local Rule 2004 provides, in pertinent part, the following:

7 (b) Order for examination. Orders for examination may be
8 signed by the clerk if the date set for examination is more than ten
(10) business days from the date such motion is filed....

9
10 As set forth above, the date for the proposed examination is more than ten (10) business
11 days from the date of this Application. Accordingly, Debtors respectfully request that the Clerk of
12 the Court docket the Order for Examination of HMA pursuant to Fed. R. Bank. P. 2004 submitted
13 herewith.

14 WHEREFORE, Debtors respectfully request that this Honorable Court direct HMA to
15 appear through its representative designated in accordance with Fed. R. Civ. P 30(b)(6) on January
16 16, 2007 at 10:00 a.m. at the office of Schwartzer & McPherson Law Firm located at 2850 South
17 Jones Boulevard, Suite 1, Las Vegas, Nevada 89146, and continuing thereafter until completed.

18 Dated: December 29, 2006.

19 /s/ Lenard E. Schwartz

Annette W. Jarvis, Utah Bar No. 1649

RAY QUINNEY & NEBEKER P.C.

36 South State Street, Suite 1400

P.O. Box 45385

Salt Lake City, Utah 84145-0385

and

Lenard E. Schwartz, Nevada Bar No. 0399

Jeanette E. McPherson, Nevada Bar No. 5423

SCHWARTZER & MCPHERSON LAW FIRM

2850 South Jones Boulevard, Suite 1

Las Vegas, Nevada 89146

Attorneys for Debtors and Debtors-in-Possession

SCHWARTZER & MCPHERSON LAW FIRM
2850 South Jones Boulevard, Suite 1
Las Vegas, Nevada 89146-5308
Tel: (702) 228-7590 · Fax: (702) 892-0122